

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

.....
NXIVM Corporation, Formerly Known as
EXECUTIVE SUCCESS PROGRAMS, INC.
and FIRST PRINCIPLES, INC.,

Plaintiffs,

- against -

Civil Action No. 1:03-CV-0976 (TJM/DRH)
(*Lead Case*)

THE ROSS INSTITUTE, RICK ROSS a/k/a
“RICKY ROSS”, JOHN HOCHMAN and
STEPHANIE FRANCO,

Defendants.

ORDER

NXIVM Corporation, Formerly Known as
EXECUTIVE SUCCESS PROGRAMS, INC.
and FIRST PRINCIPLES, INC.,

Plaintiffs,

- against -

Civil Action No. 1:03-CV-1051 (TJM/DRH)
(*Member Case*)

THE ROSS INSTITUTE, RICK ROSS a/k/a
“RICKY ROSS”, PAUL R. MARTIN, Ph.D.,
WELLSPRING RETREAT, INC. and
STEPHANIE FRANCO,

Defendants.
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Plaintiffs’ counsel, Tobin and Dempf, LLP (Kevin A. Luibrand, of counsel) having
requested a conference for purposes of seeking to withdraw as counsel for the plaintiffs; and

WHEREAS, the Court notified all counsel to the case and set the conference date and time for May 25, 2004 at 11:00 a.m. at the chambers of the Hon. David R. Homer, Magistrate Judge; and

WHEREAS, Arlen Olsen, Esq., of the law firm of Schmeiser, Olsen & Watts, LLP, attended the conference as co-counsel to plaintiffs and Kevin A. Luibrand, Esq. of the law firm of Tobin and Dempf, LLP, attended as co-counsel to plaintiffs on the application, and no other counsel were present or submitted opposition to the withdrawal of Tobin and Dempf, LLP; and

WHEREAS, Tobin and Dempf, LLP, by Kevin A. Luibrand, Esq., of counsel, requested an order to withdraw as counsel for plaintiffs, and no opposition was raised to the request for withdrawal.

NOW, THEREFORE, the law firm of Tobin and Dempf, LLP and Kevin A. Luibrand, Esq., of the law firm of Tobin and Dempf, LLP be and hereby are permitted to withdraw as counsel to plaintiffs on this action, effective upon execution of this order.

Dated: May 25, 2004

HON. DAVID R. HOMER
U.S. MAGISTRATE JUSTICE